

1-1 By: Riddle (Senate Sponsor - Whitmire) H.B. No. 434
1-2 (In the Senate - Received from the House April 22, 2013;
1-3 April 24, 2013, read first time and referred to Committee on
1-4 Criminal Justice; May 9, 2013, reported favorably by the following
1-5 vote: Yeas 7, Nays 0; May 9, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Whitmire	X		
1-9	Huffman	X		
1-10	Carona	X		
1-11	Hinojosa	X		
1-12	Patrick	X		
1-13	Rodriguez	X		
1-14	Schwertner	X		

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to the persons authorized to take a blood specimen from a
1-18 vehicle operator to test for alcohol concentration or other
1-19 intoxicating substances.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. The heading to Section 724.017, Transportation
1-22 Code, is amended to read as follows:

1-23 Sec. 724.017. TAKING OF BLOOD SPECIMEN.

1-24 SECTION 2. Section 724.017, Transportation Code, is amended
1-25 by amending Subsections (a) and (c) and adding Subsections (a-1),
1-26 (c-1), and (c-2) to read as follows:

1-27 (a) Only the following [a physician, qualified technician,
1-28 chemist, registered professional nurse, or licensed vocational
1-29 nurse] may take a blood specimen at the request or order of a peace
1-30 officer under this chapter:

1-31 (1) a physician;

1-32 (2) a qualified technician;

1-33 (3) a registered professional nurse;

1-34 (4) a licensed vocational nurse; or

1-35 (5) a licensed or certified emergency medical
1-36 technician-intermediate or emergency medical technician-paramedic
1-37 authorized to take a blood specimen under Subsection (c).

1-38 (a-1) The blood specimen must be taken in a sanitary place.

1-39 (c) A licensed or certified emergency medical
1-40 technician-intermediate or emergency medical technician-paramedic
1-41 may take a blood specimen only if authorized by the medical director
1-42 for the entity that employs the technician-intermediate or
1-43 technician-paramedic. The specimen must be taken according to a
1-44 protocol developed by the medical director that provides direction
1-45 to the technician-intermediate or technician-paramedic for the
1-46 taking of a blood specimen at the request or order of a peace
1-47 officer. In this subsection, "medical director" means a licensed
1-48 physician who supervises the provision of emergency medical
1-49 services by a public or private entity that:

1-50 (1) provides those services; and

1-51 (2) employs one or more licensed or certified
1-52 emergency medical technician-intermediates or emergency medical
1-53 technician-paramedics [In this section, "qualified technician"
1-54 does not include emergency medical services personnel].

1-55 (c-1) A protocol developed under Subsection (c) may address
1-56 whether an emergency medical technician-intermediate or emergency
1-57 medical technician-paramedic engaged in the performance of
1-58 official duties is entitled to refuse to:

1-59 (1) go to the location of a person from whom a peace
1-60 officer requests or orders the taking of a blood specimen solely for
1-61 the purpose of taking that blood specimen;

